

**IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

No. 22-11222

CAMBRIDGE CHRISTIAN SCHOOL, INC.,
Plaintiff-Appellant

v.

FLORIDA HIGH SCHOOL ATHLETIC ASSOCIATION, INC.,
Defendant-Appellee.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA

DECLARATION OF MARK BUTLER

Pursuant to 28 U.S.C. § 1746, I, Mark Butler, declare as follows:

1. My name is Mark Butler. I am over the age of eighteen and am competent to make this declaration. The facts set forth herein are based upon my personal knowledge.

2. Since 2016, I have served as the Athletic Director of Cambridge Christian School (“CCS”).

3. I have worked in Florida as an athletic director or assistant athletic director for twenty-five years, solely for schools that are members of the Florida High School Athletic Association (“FHSAA”).

4. During my career as an athletic director in Florida, I have served on various FHSAA committees, including as a member of the FHSAA Athletic Director

Advisory Committee, a member of the FHSAA Section 3 Appeals Committee, a member of the FHSAA Basketball Coaches Advisory Committee, and the Chairman of the FHSAA Representative Assembly.

5. The FHSAA is governed, among other things, by Bylaws and Administrative Policies. The FHSAA's 2023-24 Bylaws ("Bylaws") and Administrative Policies ("Policies") are available at https://fhsaa.com/documents/2023/7/13//2324_handbook.pdf?id=4394. The FHSAA's 2023-24 Football Sport Manual is available at https://fhsaa.com/documents/2023/8/14//2324_football_sport_manual_updated.pdf?id=4441. The Bylaws, Policies, and Football Sport Manual include rules about membership in FHSAA and/or the FHSAA football State Series.

6. CCS first became a member of the FHSAA in 1989. Since then, CCS has renewed its membership in FHSAA at the end of each membership term.

7. In 2021, CCS renewed its membership in FHSAA for a five-year term (the maximum available), ending with the 2025-26 school year.

8. Each year, an FHSAA member school may choose from the following options for each of its sports teams: (1) "State Series" (meaning the team will compete in the FHSAA State Championship Series if the team qualifies based on regular-season results); (2) "Independent" (meaning the team will compete in "FHSAA-approved regular season competition" but not the State Series); (3) "Junior Varsity Only" (meaning the schools fields only a JV team); (4) "Middle School

Only” (meaning the school fields only a middle school team); or (5) “No Team” (meaning the school will not have team competing in the FHSAA for that sport).

9. In advance of each season, FHSAA sends member schools emails directing them to a portal that provides the options for each sport in that season. Member schools declare options for each of their teams. An example of such an email is attached as **Exhibit 1**.

10. CCS’s declaration form for the 2024 fall season is attached hereto as **Exhibit 2**.¹ CCS submitted that form on December 5, 2023, and at that time selected “State Series” for eight fall sports that it offers. Those sports are: Football (Boys), Volleyball (Girls), Cross Country (Girls and Boys), Golf (Girls and Boys), and Bowling (Girls and Boys). CCS has also already made its selections for the 2024-25 winter season and selected “State Series” for all four winter sports that it offers. Those sports are: Basketball (Girls and Boys), Soccer (Girls and Boys). CCS has not yet submitted the selection form for its 2025 spring sports, but when it does it will choose State Series for all seven spring sports that it offers. Those sports are: Baseball (Boys), Softball (Girls), Tennis (Girls and Boys), Track & Field (Girls and

¹ The form for fall 2024 had a typo and was labeled “2024-25 Winter & Spring Declarations.” But the sports listed are for the fall season.

Boys), and Beach Volleyball (Girls). Historically, all these teams have always opted to declare for the FHSAA State Series.²

11. CCS's varsity football program advanced several rounds into the FHSAA State Series each year from 2015-2020, including into the championship game in 2015. In the last few years, however, CCS's varsity football program has lost more games than it has won and has not qualified for post-season play, suffering from coaching turnover (five head coaches in five years) and increased competitiveness from schools in its FHSAA-assigned district. Indeed, some schools in CCS's FHSAA-assigned district have much larger student enrollments and have NFL-caliber athletes whose size and speed threatened serious injury to CCS athletes in recent years. Late in the 2023 season, fear of injury among some players and parents nearly caused CCS to forfeit its remaining schedule. Additionally, for the upcoming season, CCS does not have an experienced quarterback.

12. Player safety is of paramount importance to the entire CCS community. Accordingly, CCS asked FHSAA to realign the district to make it more competitive—and safer—for schools like CCS. FHSAA ultimately declined the proposal.

² CCS also offers Cheerleading in the fall and winter. In coming years, CCS may enter its varsity Cheerleading team in FHSAA's competitive cheerleading series, but it has not done so yet.

13. Like all sports teams—and especially high school teams that graduate their most experienced players every year—CCS’s competitiveness ebbs and flows. As in 2015, just a few key players can mean the difference between a championship run and a losing record. From 2015 through 2020, CCS had playoff-caliber teams. In more recent years, our teams have met with less success. During my long history as an athletic director, I have seen many high school football programs in Florida enjoy periods of playoff success, followed by streaks of losing records, followed by a return to playoff success. Based on this general knowledge of high school football, and my specific knowledge of CCS’s athletics program, I am confident that CCS’s football team will return to playoff caliber. Right now, CCS’s football program is taking the time required to rebuild to compete safely again against the schools in its FHSAA-assigned district. Our head coach (returning from last year) needs time to develop the returning and new players. Thus, after much input from CCS leadership, coaches, and parents, CCS made the difficult decision to opt out of the FHSAA football State Series for the 2024 season. On January 17, 2024, CCS informed FHSAA of its decision to withdraw its “State Series” declaration for 2024. The email conveying that decision to FHSAA is attached hereto as **Exhibit 3**.

14. In 2024, CCS’s football team will compete in the post-season tournament hosted by the Sunshine State Athletic Association.

15. During the 2024 regular season, CCS's football team will compete against several teams who are declared participants in FHSAA's State Series. A copy of CCS's varsity football schedule is attached as **Exhibit 4**.

16. All CCS sports teams other than football and cheerleading will participate in the FHSAA State Series in the 2024-25 season if they qualify based on regular-season standings.

17. CCS has not yet made a decision about the 2025 football season, but CCS intends and expects to have its football team return to competing for the FHSAA State Series as soon as possible, preferably in the 2025 fall season.

18. Based on my knowledge of the FHSAA and CCS's long history of membership in FHSAA, FHSAA would not deny CCS the ability to declare that its football team will return to FHSAA State Series competition in future years. Indeed, when I inquired about CCS again declaring for the FHSAA football State Series in the future, an FHSAA official responded that CCS could "absolutely ... join at any point permitted by policy as long as [CCS] can schedule all required district games." A copy of that email is attached hereto as **Exhibit 5**.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 21st day of June, 2024.



Mark Butler

EXHIBIT 1

From: Scott Jamison <sjamison@fhsaa.org>
Sent: Wednesday, December 6, 2023 5:18 PM
Subject: ***Important FHSAA Information*** PLEASE READ

Importance: High

Good afternoon Member School Principals and Athletic Directors,

This is a reminder that Fall Sport Declarations (2024-25 and 2025-26) are now live on Home Campus. The designated School Representative on Home Campus can now complete the form. We ask that the form is completed by **Friday, December 15**. If you believe you may offer the sport, we would encourage you to include that sport in your declarations. Per Policy you have until week two of the sport season to drop with no fee. Please keep in mind that the Board of Directors will be meeting December 12 to consider the Classification Proposal put forth by the Task Force and Mr. Damon. This information can be found on our website. The meeting will be held via Zoom and can be viewed live on the FHSAA YouTube Channel.

Additionally, the 2024 Fall Sports Season will begin on **Monday, July 29, 2024** with first allowable tryouts and practices. Please be on the lookout for individual Fall Sports Calendars.

If your school falls within the Rural School designation, a separate email will be sent inquiring about your status for the next two-year cycle and whether your school would like to be included in Rural for all eligible sports. This is something you MUST opt-in to with an emailed letter. Please be on the lookout for this email in the coming days.

As always, if you have any questions or concerns, please feel free to reach out to me directly.

Thank you for all that you do,

Scott Jamison

Associate Executive Director for Athletics Services
Florida High School Athletic Association
[1801 NW 80 Blvd.](#)
[Gainesville, FL 32606-9176](#)
(352) 372-9551 ext. 180
sjamison@fhsaa.org



EXHIBIT 2

Sport Declaration

2024-25 WINTER & SPRING DECLARATIONS

Select one of the following options: State Series, Independent, JV Only, MS Only (middle school only), or No Team.

This declaration is for the following two seasons: 2024-25 and 2025-26

If you are unsure that you will have a team in a sport, please add the sport as an "Independent" to avoid any fees for future drops. This commitment is due by **April 19, 2024.**

If you have any questions concerning a sport, please contact Scott Jamison at sjamison@fhsaa.org. If you have any questions relating to Home Campus and submitting the form, please contact homecampus@fhsaa.org.

Sport	2022-23 Classification	Requesting Classification				
Bowling, Boys	1A NA D5	State Series	Independent	JV Only	MS Only	No Team
Bowling, Girls	1A NA D5	State Series	Independent	JV Only	MS Only	No Team
Cross Country, Boys	1A R3 D5	State Series	Independent	JV Only	MS Only	No Team
Cross Country, Girls	1A R3 D5	State Series	Independent	JV Only	MS Only	No Team
Football (11 man)	1M R2 D3	State Series	Independent	JV Only	MS Only	No Team
Golf, Boys	1A R3 D10	State Series	Independent	JV Only	MS Only	No Team
Golf, Girls	1A R3 D10	State Series	Independent	JV Only	MS Only	No Team
Swimming, Boys	No team	State Series	Independent	JV Only	MS Only	No Team
Swimming, Girls	No team	State Series	Independent	JV Only	MS Only	No Team
Volleyball, Girls	2A R3 D9	State Series	Independent	JV Only	MS Only	No Team

Go Back

EXHIBIT 3

Jesse Panuccio

From: Mark Butler <mbutler@ccslancers.com>
Sent: Wednesday, January 17, 2024 3:49 PM
To: Scott Jamison
Cc: Lisa Durrance; Craig Damon; Justin Harrison; Amanda Corral
Subject: RE: ADAC Memorandum for January 24,2024 at 9:00am in Gainesville

Importance: High

Hi Scott,

Thank you the response and understanding. Prayerfully, we will be able to rejoin for football in a few years! We are still actively engaged with FHSAA for all other sports! Thank you!

GO LANCERS!

Mark Butler, M. Ed, CAA

**Cambridge Christian School
Director of Athletics & Operations
FHSAA Section 3 Appeals Committee
FHSAA Athletic Director's Committee**

Every Athlete A Disciple!

Cambridge Christian School
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From: Scott Jamison <sjamison@fhsaa.org>
Sent: Wednesday, January 17, 2024 2:26 PM
To: Mark Butler <mbutler@ccslancers.com>
Cc: Lisa Durrance <ldurrance@fhsaa.org>; Craig Damon <cdamon@fhsaa.org>; Justin Harrison <jharrison@fhsaa.org>; Amanda Corral <acorral@fhsaa.org>
Subject: Re: ADAC Memorandum for January 24,2024 at 9:00am in Gainesville

Thank you for the update Mr. Butler, we will remove you from football for the upcoming cycle.

Scott Jamison

On Jan 17, 2024, at 1:07 PM, Mark Butler <mbutler@ccslancers.com> wrote:

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello all,

I trust this email finds you well. I am writing to inform you that, unfortunately, I will be unable to begin my role on the ADAC, as initially planned.

The primary reason for this change is that we have decided (been accepted) to have our football program join the SSAA to better address our football programmatic needs. With this decision, while this was not my personal preferred course of action, community feedback has strongly influenced our decision, particularly regarding our football team's required competition with Carrollwood Day in our district.

In light of these developments, and considering the ongoing rebuilding phase of our football program, we find that our district and regional playing field is at a much higher competitiveness level than our program can sustain over the next few years. Our plan to is to continue to participate in the FHSAA for all other sports as they provide more flexibility and do not require district play for state series participation.

In addition, in my communications with Scott Jamison, this decision now removes our “full membership” status, which is a requirement for service on all FHSAA committees, as these are elected positions. Consequently, I regret to inform you, effective today, that I will not be able to commit to serving on the section 3 appeals and/or ADAC committees until our football program reintegrates with FHSAA, which we anticipate happening in approximately two years.

I wanted to notify you promptly, so you may fill the section 3 private school appeals position and reach out to the AD who was the runner-up in the ADAC voting for section 3. I am confident they will contribute effectively to the ADAC, and I appreciate your understanding in this matter.

Thank you for your understanding and continued support.

GO LANCERS!

Mark Butler, M. Ed, CAA

*Cambridge Christian School
Director of Athletics & Operations*

Every Athlete A Disciple!

Cambridge Christian School

Email: mbutler@ccslancers.com

Office: 813-872-6744 (ext. 290)

Cell: [REDACTED]

Address: 6101 N. Habana Ave.

Tampa, FL 33614

Website: www.ccslancers.com

EXHIBIT 4



America's Source for High School Sports

Cambridge Christian Football Schedule (2024-25)



Mascot Lancers **Team** Varsity 2024 **Colors** Navy, Gold
Coach Brian Palone **Address** 6101 N Habana Ave, Tampa, FL 33614
Overall 0-0 **District** 0-0
League Sunshine State - Freelance

Record Breakdown

Home 0-0-0 **Away** 0-0-0 **Neutral** 0-0-0 **PF** 0 **PA** 0 **Win %** .000 **All-Time Strk**

Date	Opponent	Result
8/16 7:00p	Frostproof (Frostproof, FL) Location: Cambridge Christian High School	Preview Game
8/23 7:00p	@ Northside Christian (St. Petersburg, FL) Location: Northside Christian High School	Preview Game
8/30 7:00p	@ Cocoa Beach (Cocoa Beach, FL) Location: Cocoa Beach High School	Preview Game
9/6 7:00p	Evangelical Christian (Fort Myers, FL) Location: Cambridge Christian High School	Preview Game
9/13 7:00p	@ Sarasota Christian (Sarasota, FL) * Location: Sarasota Christian High School	Preview Game
9/20 7:00p	Westminster Academy (Fort Lauderdale, FL) * Location: Cambridge Christian High School	Preview Game
10/4 7:00p	Seffner Christian (Seffner, FL) Location: Cambridge Christian High School	Preview Game
10/11 7:00p	Saint Stephen's Episcopal (Bradenton, FL) * Location: Cambridge Christian High School	Preview Game
10/18 7:00p	@ St. Petersburg Catholic (St. Petersburg, FL) Location: St. Petersburg Catholic High School	Preview Game
10/25 7:00p	Discovery (Lake Alfred, FL) Location: Cambridge Christian High School	Preview Game

Schedule Legend

District Game = *

EXHIBIT 5

From: Scott Jamison <sjamison@fhsaa.org>
Sent: Saturday, December 23, 2023 10:04 AM
To: Mark Butler
Cc: Craig Damon
Subject: Re: Question

Good morning,

I have answered your questions below

Scott Jamison

On Dec 23, 2023, at 8:46 AM, Mark Butler <mbutler@ccslancers.com> wrote:

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Maybe we can speak by phone at some point?

For now, can you clarify this scenario for our school if we decide to play football in the SSAA and all other sports in the FHSAA.

1. Would we no longer be full members of FHSAA or just not a member for football but a member for all other sports? **You would no longer be considered a full member if you join SSAA for any sports. You would be considered a member by sport of the FHSAA in any sport you remain with us in. This would negate your full member status as you are now a member of two associations. You would retain member status with the FHSAA in the sports you offered that remained in the FHSAA.**
3. Would I still be eligible to serve on the appeals committee or on the AD advisory Committee if we decide to play only football in the SSAA? **No, these elected positions are only available to full members. You would be removed from these committees at the start of the next school year should you decide to play football in the SSAA. Any coaches from your school on sport committees would also be removed.**
4. Any other ramifications for our school as it relates to FHSAA if we play only football in the SSAA & all other sports in FHSAA? **Your school would no longer be able to vote in governance elections**
5. Could we come back to FHSAA for football after the 2 year cycle is completed? **Yes absolutely. You can theoretically join at any point permitted by policy as long as you can schedule all required district games.**